

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JEFFERY D. COX,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.<sup>1</sup>

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CIVIL NO. 16-cv-1305-JPG-CJP

**MEMORANDUM AND ORDER**

Before the Court is the parties' Agreed Motion for Remand to the Commissioner. (Doc. 19).

The parties agree that this case should be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties also agreed that, upon remand, "the ALJ will offer Plaintiff the opportunity for a hearing and will receive additional evidence, and will issue a new decision regarding the disability application."

The Court notes that plaintiff applied for disability benefits in April 2013, more than four years ago. (Tr. 12). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

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<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. See, *Casey v. Berryhill*, 853 F.3d 322 (7th Cir. 2017). She is automatically substituted as defendant in this case. See Fed. R. Civ. P. 25(d); 42 U.S.C. §405(g).

For good cause shown, parties' Agreed Motion for Remand to the Commissioner (**Doc. 19**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Jeffery D. Cox' application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is **DIRECTED** to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED:** 6/5/2017

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**U. S. DISTRICT JUDGE**